

2.3.4.2 Permitting Framework and Scope/Permit Program Areas/ Animal Feeding Operations (AFO)/Class II AFOs

Applicability:

Defines Class II animal feeding operations (AFOs) and Class II concentrated animal feeding operations (CAFOs). Discusses exemptions and required permits for such operations.

Content:

An animal feeding operation (AFO) is a lot, building, or complex at an operating location where:

- animals have been, are, or will be stabled or confined and fed or maintained for a total of 45-days or more in any 12-month period; and
- a ground cover of vegetation is not sustained over at least 50% of the animal confinement area.

This definition is similar to the definition of AFO presented at 10 CSR 20-6.300(1)(B)4 and is based on the federal definition of AFO found at 40 CFR 122.23(b)1.

An operation that does not meet the above criteria is not considered an AFO and is not regulated by 10 CSR 20-6.300, regardless of the number of animals at the operation.

A Class II AFO is an AFO with at least 300 but less than 1,000 animal units. The term animal unit is defined at 10 CSR 20-6.300(1)(B)3 and the Class II categories are presented in the chart associated with 10 CSR 20-6.300(1)(B)7.

Class II AFOs are exempt from applying to the department for an operating permit unless they are required to do so on a case-by-case basis to correct noncompliance, improve operating practices, or implement special practices to address site-specific conditions (see 10 CSR 20-6.300(2)(D)).

In accord with 10 CSR 20-6.300(1)(B)8, a Class II AFO becomes a Class II CAFO if either or both of the following conditions exist:

- pollutants are discharged through a man-made ditch, flushing system or other similar man-made device;
- pollutants are discharged directly into the waters of the state, which originate outside of and pass over, across, or through the facility or otherwise come into direct contact with the animals confined at the operation.

Class II CAFOs must apply to the department for an operating permit.

If the department determines that an operating permit is required for a Class II AFO in compliance with 10 CSR 20-6.300(2)(D), the operation will be designated a Class II CAFO and permit application review for the operation will be conducted by the department according to the procedures for CAFOs.

Legal References:

Code of State Regulations:

[10 CSR 20-](#) Concentrated Animal Feeding Operations (CAFOs)

[6.300](#)

Other Links:

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